

CHIEF OFFICER MARTINUS LUKASSEN - August 17, 2006

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT REVAK

and

MARGARET REVAK

vs.

INTERFOREST TERMINAL UMEÅ AB

and

WAGENBORG SHIPPING B.V.

CIVIL ACTION

NO. 03-4822

ORAL DEPOSITION OF CHIEF OFFICER MARTINUS
LUKASSEN, produced as a witness at the instance of
the Plaintiffs, taken in the above-styled cause on
the 17th day of August, 2006, from 2:27 p.m. to 3:24
p.m., before Candice F. Flowers, a Certified
Shorthand Reporter, at the offices of Wagenborg
Shipping B.V., Marktstraat 10, in the City of
Delfzijl, Country of the Netherlands, pursuant to
the agreements as stated on the record and/or the
Federal Rules of Civil Procedure.

ORIGINAL

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1 A Hooking the packages onto the shore crane
2 and lift it and take it out.

3 Q Putting the slings onto the cargo hook?

4 A On the cargo hook, yes.

5 Q Was any spreader being used?

6 A I really don't remember anymore.

7 Q I should ask you: Was this the first time
8 you had been to the Port of Philadelphia on a
9 Wagenborg ship?

10 A No.

11 Q Had you been to the Port of Philadelphia
12 on previous occasions with packaged timber as part
13 of the cargo?

14 A Yes.

15 Q More than five times?

16 A Probably, yeah.

17 Q And at the same location, basically Pier
18 80 South or Pier 80 North?

19 A Mixed, yeah.

20 Q And on those previous occasions when you
21 had been there, did the longshoremen use the same
22 method of discharge as they were using on September
23 8th?

24 A As far as I can recall, yes.

25 Q Okay. And from your standpoint, did you

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1 have any criticism or problem with the way the
2 longshoremen were conducting the operation?

3 A No.

4 Q Now, you were observing cargo operations
5 at the time the accident happened; is that correct?

6 A That's correct.

7 Q And I don't know whether this picture will
8 be helpful. It's 23N.

9 Looking at that photo, can you give us an
10 idea where you were standing? Is it shown anywhere
11 in the photograph?

12 A Exactly here. That's me here
13 (indicating).

14 MR. POWERS: Do you want him to
15 circle himself?

16 MR. GRUBER: Yeah. Let me just come
17 around.

18 Q (By Mr. Gruber) Well, that's after the
19 accident happened. That's not where you were when
20 the accident happened, though, correct?

21 A Correct.

22 Q What I meant to say was: At the time the
23 accident happened, were you up on the ship?

24 A I was.

25 Q Does this photograph give us an idea of

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1 forward?

2 MR. POWERS: I thought that's what
3 this was, this mark here (indicating).

4 THE WITNESS: Yeah, that's that mark,
5 yeah.

6 MR. POWERS: That's where the gantry
7 crane was.

8 MR. GRUBER: All right. Okay.

9 MR. POWERS: I was trying to get him
10 to say where on top of the gantry crane he was. I
11 understand that's where the gantry crane was.

12 MR. GRUBER: Right.

13 Q (By Mr. Gruber) So were you in the
14 vicinity of where that mark is that you put?

15 A Yes, in the vicinity.

16 Q All right. That will do for now, I guess.
17 And how long had you been standing in that
18 position before the accident happened?

19 A Very shortly.

20 Q I understand that the lift or the hoist
21 that was coming out at the time of the accident was
22 the last unit of lumber that was in the tween deck
23 at number two; is that right?

24 A That's right.

25 Q During the time that you had been standing

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1 Q All right. You see in the photograph --
2 I'm sorry. What is that, 23N? Do you see the shore
3 crane? Is that the position the shore crane was in
4 at the time the accident happened?

5 A Yes.

6 Q Did you have any problem or criticism
7 during the day with the way the shore crane was
8 being operated?

9 A No.

10 Q All right. We looked before at some
11 photographs showing the stow -- you may have them
12 there -- 23C and 23E. We were trying to get --
13 actually, there's another one. I guess it's 23B.
14 We were trying to -- maybe that 23B is the best one.
15 This one here.

16 MR. POWERS: No, this is a terrible
17 copy right here, because you can't even see the
18 slings.

19 MR. GRUBER: Here, use this.

20 Q (By Mr. Gruber) Can you give us an idea of
21 where in the hold that last unit was located,
22 looking at any of those photographs.

23 MR. POWERS: Or use this.

24 MR. GRUBER: Okay. Or use the
25 stowage plan, which I think is Exhibit 15.

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1 MR. POWERS: Do you want him to mark
2 on it?

3 MR. GRUBER: Yeah, I do.

4 MR. POWERS: Draw approximately in
5 the stowage plan where the draft that was involved
6 in the accident was located.

7 THE WITNESS: Right over there
8 (indicating).

9 Q (By Mr. Gruber) So it was all the way on
10 the inshore or starboard side; is that correct?

11 A Starboard side. That's correct.

12 Q So that was the side closest to the pier,
13 correct?

14 A Correct.

15 MR. GRUBER: Okay. That exhibit that
16 he just marked on, is that mine or yours?

17 MR. POWERS: That was the one we have
18 been using. It was mine, I guess. It came out of
19 the envelope you gave me.

20 Q (By Mr. Gruber) Would you mind marking
21 this one as well? That's mine.

22 A (Witness complies.)

23 Q Thank you.

24 A You're welcome.

25 Q Could you tell us now what you saw at the

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1 time of the accident.

2 A During the actual accident?

3 Q Well, let's start from the time the hoist
4 was lifted out of the hold, up until the time of the
5 accident.

6 A I did not really actually see the lifting
7 out of the tween deck itself.

8 Q Where was the hoist when you first saw it?

9 A Halfway the ship and the quay.

10 Q It was on its way down?

11 A Yeah.

12 Q Tell us what you saw from there.

13 A It came down. This stevedore approached
14 it to take it as quick as possible to maneuver it in
15 position.

16 Q At that point as the stevedore was
17 approaching it to maneuver it in position, can you
18 tell us how far the bottom of the hoist was from the
19 quay?

20 A Way up.

21 Q Way up?

22 A Yeah.

23 MR. POWERS: More than a meter? Less
24 than a meter?

25 THE WITNESS: More. A couple of

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1 correct?

2 A When I came down, correct.

3 Q Okay. Now, when you saw -- let me
4 withdraw that.

5 When you came down, did you hear anybody
6 talking or say something about the sling having
7 broken?

8 A Yes.

9 Q Who did you hear saying that?

10 A No idea.

11 Q Okay. And you caught a quick glance of
12 the sling and you saw what you see in those
13 photographs very quickly.

14 A Correct.

15 Q Were you ever able to determine or find
16 out what had caused the sling to break?

17 A No.

18 Q And later that day, did you and the master
19 prepare a statement about this accident?

20 A Correct.

21 Q Let me show you -- or you have it there --
22 P10. Is that a copy of the statement?

23 A Yes, it is.

24 Q And you signed that, correct?

25 A Correct.